

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JAMES SEABA and CORY PHILLIPS,

Plaintiffs,

v.

MESOSYSTEMS TECHNOLOGY, INC.,

Defendant.

FILED
02 NOV 19 PM 3:08

NO. CIV-02-0103 H/WWD

AFFIDAVIT OF SAMANTHA LEAGUE

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

Samantha League, upon her oath states the following to be true and correct:

1. I am employed as Human Resources Administrator of MesoSystems Technology, Inc. ("MesoSystems") and I work at the company's headquarters in Kennewick, Washington. In my capacity as Human Resources Administrator, I am attesting to the facts stated herein.

2. I prepared the Offer Letter and Confidential Information, Inventions and Noncompetition Agreement ("Noncompetition Agreement") documents for James Seaba and mailed them in August, 2001 from Washington to Ohio, where Mr. Seaba was then located.

3. At the time the documents were deposited in the mail to Mr. Seaba, I had signed the Offer Letter on behalf of MesoSystems and the Noncompetition Agreement was unsigned.

47

4. Mr. Seaba then signed each document and sent them from Ohio back to me in MesoSystems' offices in Washington state.

5. In the case of Cory Phillips, I prepared Offer Letter and Noncompetition Agreement and signed the Offer Letter on behalf of MesoSystems. I then sent the documents to MesoSystems' Albuquerque, New Mexico facility, to be presented to Mr. Phillips on a pre-employment visit to that facility.

6. Although MesoSystems' records do not show it conclusively, it appears that Mr. Phillips signed the Offer Letter and the Noncompetition Agreement during his pre-employment visit to New Mexico. Mr. Phillips then returned the executed copies to me at MesoSystems' offices in Kennewick, Washington. FURTHER AFFIANT SAYETH NAUGHT.

Samantha League
Samantha League

STATE OF WASHINGTON)
) ss.
COUNTY OF Benton)

This instrument was acknowledged before me by Samantha League this 18 day of November, 2002.

My Commission Expires:

8-19-06



Leslie Anderson
NOTARY PUBLIC